

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Serial No.10/694,080
Filing Date 10/24/2003
Inventorship Relyea, R. et al.
Assignee..... Microsoft Corporation
Group Art Unit.....2194
Confirmation No.....4089
Examiner Anya, C.
Attorney's Docket No. MS1-1779US
Title: Programming Interface for a Computer Platform

REQUEST FOR NEW OFFICE ACTION

TO REPLACE DEFECTIVE OFFICE ACTION OF DECEMBER 27, 2007

To: Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

From: David S. Lee (Tel. 206-315-7912)
Customer No. 22801

REQUEST

Applicant hereby submits that the Final Office Action dated December 27, 2007 (hereafter referred to as "the Action"), in connection with the above-identified application is defective, containing an error that affects Applicant's ability to reply to the Office Action. This error is being brought to the Office's attention within one month of the mailing date of the Office Action. Therefore, per MPEP 710.06, Applicants request that a corrected Office Action be issued and that the period for reply be reset. Favorable consideration of this request is respectfully requested.

In particular, beginning on page 10 of the Action, Claims 29-46 and 48-52 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Pub. No. 2001/0045961 to

Stoakley et al. However, beginning with the discussion of claim 30 on page 11 through the end of the rejection on page 16 of the Action, the rejection refers to the “Evans” reference rather than to the Stoakley reference. Obviously the rejection is referring to U.S. Pub. No. 2002/0054046 to Evans et al, which was cited in rejecting Claims 1 – 8, 12, 14 – 39, and 41 – 52 in the previous Office Action dated April 10, 2007. Applicant submitted arguments to traverse that rejection in the Amendment of October 9, 2007; and, in response thereto, on page 10 of the outstanding Action dated December 27, 2007, an indication is made that such arguments were considered but are moot *in view of the new ground(s) of rejection*. Thus, the Applicant cannot assume that the disputed rejection of Claims 29 – 46 and 48 – 52 actually intended to cite Evans over Stoakley.


Therefore, Applicant respectfully requests that Final Office Action dated December 27, 2007, in connection with the above-identified application be corrected and replaced, and that the period for reply be reset.

Respectfully Submitted,

LEE & HAYES, PLLC

January 18, 2008

By: _____


David S. Lee
Reg. No. 38,222
(206) 315-7912

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No..... 10/694,080
Filing Date..... 10/24/2003
Confirmation No. 4089
First Named Inventor..... Robert A. Relyea
Assignee..... Microsoft Corporation
Group Art Unit..... 2194
Examiner Charles E. Anya
Attorney's Docket No. MS1-1779US
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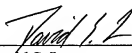
From: David S. Lee (Tel. 206-315-4001; Fax 509-323-8979)
Customer Number: 22801
Lee & Hayes, PLLC
421 W. Riverside Avenue, Suite 500
Spokane, WA 99201

Fees will be paid by credit card through the EFS Web; however the Commissioner is hereby authorized to charge any deficiency of fees and credit any overpayments to Deposit Account Number 12-0769.

Respectfully Submitted,

Dated: January 18, 2008

By: _____


David S. Lee
Reg. No. 38222
206-315-4001